



Practitioner's Docket No. 17616-832

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Philippon )  
Serial No.: 09/624,689 ) Group No.: 3738  
Filed: July 24, 2000 ) Examiner: Not Yet Assigned  
For: Method and Apparatus for Treating )  
Osteochondral Pathologies )

#7A  
Answers  
9/26/01

**RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner for Patents  
Washington, DC 20231

Sir:

In response to Examiner's Restriction Requirement mailed September 10, 2001, (Paper No. 6), Applicants respectfully request reconsideration of the above-referenced application in view of the following amendments and remarks.

Please amend the above-referenced application as follows:

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**In the Claims**

Please cancel claims 1-8 and 17-21 without prejudice to their presentation in one or more divisional applications.

**REMARKS**

Claims 9-16 and 22-23 are pending. Claims 1-8 and 17-21 have been cancelled. No claims have been amended or are newly presented.

The Examiner has issued two restriction requirements alleging that the application claims five separate inventions. Specifically, the Examiner restricts the claims into Group 1 (claims 1-6 and 19-23), drawn to an implantable prosthesis, surgical instrument kit for treating osteochondral pathologies; and Group 2 (claims 17-18), drawn to method of treating osteochondral pathologies. Group 1 is further subdivided into Group 3 (claims 1-8), drawn to an implantable prosthesis for